



**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case reference : LON/OOAJ/LCP/2023/0007

Property : 12 Grange Park, London W53PL

Applicant : Assethold Limited

Representative : Eagerstates

Respondent : 12 Grange Park (London) RTM Company Limited

Representative : N/A

Type of application : An application under section 88(4) Commonhold and Leasehold Reform Act 2002

Tribunal : Judge Shepherd

DETERMINATION

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1. The Applicants, Assethold Limited (The Applicants) are seeking a determination in relation to costs pursuant to Commonhold and Leasehold Reform Act 2002, s.88(4). The Respondents are 12 Grange Park (London) RTM Company Limited (“The Respondents”). They have taken no role in these proceedings. This is perplexing. If they did not intend to oppose the application they should have paid the Applicant’s costs instead of putting them and the Tribunal to further cost by simply remaining quiet.

2. The Applicants are the freeholders of premises at 12 Grange Park, London, W53PL. Their solicitors are Scott Cohen Solicitors Limited and their managing agents are Eagerstates. The Respondents are a Right to Manage Company. They were incorporated on 29th July 2021. They claimed the Right to Manage via a claim notice dated 24th August 2021. The Applicants denied the Right to Manage via a counter notice dated 20th September 2021. It's not clear how the Right to Manage progressed but on 19th January 2023 the Applicants sought their costs pursuant to s.88 of the Act. A chaser letters was sent on 9th February 2023 and this application followed.

3. A statement of costs provided by the Applicants summarizes the costs incurred as:

- Solicitors fess - £962.50 plus vat
- Management fee - £500 plus vat
- Disbursement of £6.85 inc vat.
- Total claim - £1761.85

4. S.88 of the Act states the following:

88 Costs: general

(1) A RTM company is liable for reasonable costs incurred by a person who is—

(a) landlord under a lease of the whole or any part of any premises,

- (b) party to such a lease otherwise than as landlord or tenant, or*
- (c) a manager appointed under Part 2 of the 1987 Act to act in relation to the premises, or any premises containing or contained in the premises,*
- in consequence of a claim notice given by the company in relation to the premises.*
- (2) Any costs incurred by such a person in respect of professional services rendered to him by another are to be regarded as reasonable only if and to the extent that costs in respect of such services might reasonably be expected to have been incurred by him if the circumstances had been such that he was personally liable for all such costs.*
- (3) A RTM company is liable for any costs which such a person incurs as party to any proceedings under this Chapter before [the appropriate tribunal]¹ only if the tribunal dismisses an application by the company for a determination that it is entitled to acquire the right to manage the premises.*
- (4) Any question arising in relation to the amount of any costs payable by a RTM company shall, in default of agreement, be determined by [the appropriate tribunal].*

Determination

5. The costs claimed by the Applicants appear entirely reasonable. I accept that RTM work is a niche area for solicitors and that Scott Cohen are experts in the field. It is justified to have a Grade A fee earner who specializes in leasehold management. The time spent on the work is not excessive and the costs are proportionate and the disbursements are acceptable. In addition, the management fees are justified. Eagerstates are a recognized feature of the Applicant's work. Their fees for the work involved are not excessive. Overall, the costs claimed are reasonable and should be paid by the Respondents.

Judge Shepherd 10th October 2023

ANNEX - RIGHTS OF APPEAL Appealing against the tribunal's decisions

1. A written application for permission must be made to the First-tier Tribunal at the Regional tribunal office which has been dealing with the case.
2. The application for permission to appeal must arrive at the Regional tribunal office within 28 days after the date this decision is sent to the parties.
3. If the application is not made within the 28-day time limit, such application must include a request for an extension of time and the reason for not complying with the 28-day time limit; the Tribunal will then look at such reason(s) and decide whether to allow the application for permission to appeal to proceed despite not being within the time limit.
4. The application for permission to appeal must state the grounds of appeal, and state the result the party making the application is seeking. All applications for permission to appeal will be considered on the papers
5. Any application to stay the effect of the decision must be made at the same time as the application for permission to appeal.